

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHNSON CONTROLS, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WACHOVIA BANK, NA, et al.,	:	NO. 10-7253
	:	
Defendants.	:	

ORDER

AND NOW, this 17th day of October, 2011, upon consideration of the Defendant Ulrick Joseph's Motion to Dismiss Counts III and IV of Plaintiff's Complaint and Green Building Systems, LLC's Motion to Dismiss Count IV of Plaintiff's Complaint (Doc. No. 23), and the responses thereto filed by, respectively, Plaintiff Johnson Controls, Inc. (Doc. No. 30) and Defendants Wachovia Bank, N.A., Wachovia Corporation, Wells Fargo Bank, N.A., and Wells Fargo & Company, Inc. (Doc. No. 33), and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that the Motion (Doc. No. 23) is DENIED in part with respect to Count III and GRANTED in part without prejudice as to Count IV.

IT IS FURTHER ORDERED Johnson Controls, Inc. shall file an Amended Complaint, if any, by October 31, 2011 and Green Building Systems, LLC and Mr. Joseph shall file an Answer or shall otherwise plead in response to the Amended Complaint by no later than twenty-one (21) days thereafter.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge